

UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
v.)	Civ. No. 05-45-P-H
)	
CERTAIN REAL PROPERTY LOCATED)	
AT 699 NORTH HIGH STREET,)	
BRIDGTON, CUMBERLAND COUNTY,)	
STATE OF MAINE, with all appurtenances)	
and improvements thereon)	
)	
Defendant-<u>in-rem</u>.)	

and

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
v.)	
)	
FIFTY-TWO THOUSAND THREE)	
HUNDRED FORTY-EIGHT DOLLARS)	
(\$52,348.00) IN UNITED STATES CURRENCY,)	Civ. No. 05-155-P-H
)	
ONE 2003 DODGE RAM 2500 PICKUP)	
TRUCK, VIN: 1D7KU28D93J568929,)	
)	
ONE 2002 INTERNATIONAL NAVI,)	
Model MA0250, VIN: 1HTMMAAM82H549661,)	
)	
Defendants-<u>in-rem</u>.)	

STIPULATION AND ORDER

WHEREAS, on March 15, 2005, the Government filed a civil forfeiture action against certain real property located at 699 North High Street, Bridgton, Cumberland County, Maine, “the “defendant-in rem real property”. United States v. 699 North High Street, Bridgton,

Cumberland County, Maine, Civ. No. 05-45-P-H;

WHEREAS, on April 14, 2005, Frank Kimball (“Claimant”) filed a claim to the defendant-in-rem real property and on May 4, 2005, he filed an answer to the complaint;

WHEREAS, on August 10, 2005, the Government filed a civil forfeiture action against: (a) Fifty-Two Thousand Three Hundred Forty-Eight Dollars (\$52,348.00) in United States Currency (the “defendant-in-rem currency”); (b) One 2003 Dodge Ram 2500 Pickup Truck, VIN: 1D7KU28D93J568929; and (c) One 2002 International Navi Truck, Model MA0250, VIN: 1HTMMAAM82H549661 (together with the Dodge Ram Truck, the “defendant-in-rem vehicles”).

United States v. \$52,348.00 in United States Currency, et al, Civ. No. 05-155-P-H;

WHEREAS, the defendant-in-rem currency and the defendant-in-rem vehicles were seized from the Claimant’s residence and Claimant has asserted, through counsel, an interest in the defendant-in-rem currency and the defendant-in-rem vehicles;

WHEREAS, between March 22, 2005 and March 31, 2005, notice was served on all persons and entities believed to have an interest in the defendant-in-rem real property, including the Claimant, the defendant-in-rem real property, Norway Savings Bank and the Town of Bridgton;

WHEREAS, on March 31, 2005, April 7, 2005 and April 14, 2005, notice of the forfeiture of the defendant-in-rem real property was published in The Bridgton News, a newspaper of general circulation;

WHEREAS, between August and September, 2005, notice was served on all persons and entities believed to have an interest in the defendant-in-rem currency and defendant-in-rem

vehicles, including the Claimant, and Chrysler Financial Corporation;

WHEREAS, on September 8, 2005 and September 15, 2005 and September 22, 2005, notice of the forfeiture of the defendant-in-rem real property was published (or will be published) in The Bridgton News, a newspaper of general circulation;

WHEREAS, Claimant and Norway Savings Bank have asserted an interest in the defendant-in-rem real property; and

WHEREAS, the Government and Frank Kimball have agreed to settle their claims without further litigation, upon the following terms and conditions;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

1. Claimant agrees to the forfeiture of his interest in the defendant-in-rem currency; and the 2003 Dodge Ram 2500 Pickup Truck, VIN: 1D7KU28D93J568929;
2. Claimant agrees to make all loan payments to Chrysler Financial on the 2003 Dodge Ram 2500 Pickup Truck through the date of the entry of the final order of forfeiture. The Government agrees to payoff the lien to Chrysler Financial (up to the value of the vehicle) within 30 days of the entry of the final order of forfeiture.
3. Within 15 days following the entry of a final order of forfeiture with respect to the assets listed in Paragraph 1, the Government agrees to return the 2002 International Navi Truck, Model MA0250, VIN: 1HTMMAAM82H549661 to the Claimant.
4. Within 60 days following the entry of this stipulation and order, Claimant will pay to the United States Marshals Service the sum of \$147,652, by certified check, made payable to the "United States Marshals Service" and agrees to the forfeiture of these funds as a "substitute res" for the defendant-in-rem real property. Following the entry of a final order of forfeiture with respect to the \$147,652, as "substitute res" for the defendant-in-rem real property, the Government agrees to release its lis pendens on the defendant-in-rem real property.
5. The parties agree that this stipulation will resolve all claims and/or interests asserted in the defendants-in-rem. Each party agrees to bear its own costs and attorney's fees in this action.

Paula D. Silsby
United States Attorney

Dated: September 22, 2005

/s/Donald E. Clark

Donald E. Clark
Assistant U.S. Attorney

Dated: September 20, 2005

/s/Thomas Butters
Thomas J. Butters, Esq.
Attorney for Claimant
SO ORDERED,

Dated: September 23, 2005

/s/ D. Brock Hornby
D. Brock Hornby
United States District Judge